UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,432	02/08/2006	Jean-Francois Fleury	PF030021	6804

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EXAMINER
LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
2476	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/539,432	FLEURY ET AL.
	Examiner	Art Unit	
	Andrew C. Lee	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2009</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6,7,11 and 12</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>1-5 and 8-10</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6,7,11 and 12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Claims 6, 7, 11, 12 are pending.

         Claims 1 – 5, 8 – 10 have been canceled.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 6, 7, 11, 12 are rejected under 35 U.S.C. 102(b) as being

anticipated by Sakai et al. (6005869).

Regarding claim 6, Sakai et al. disclose a method for reserving, on a node

of an Ethernet bus type communication network, a fraction of bandwidth of a

digital bus during a cycle *(Abstract, Fig. 31),* the method comprising: circulating a

token between all nodes of the network so as to enable all nodes of the network to

send in turn a data packet over the bus according to a sequence defining a

chronological order of passage of the token between all nodes during a cycle *(Fig.*

31(a) – (f), col. 1, lines 25 – 67, col. 2, lines 1 – 10), wherein the chronological

order of passage of the token between all nodes of the network is defined by a

master node of the network *("master station sends out a token for each certain*

time"; col. 5, lines 37 - 49); and wherein the fraction of bandwidth reserved for the

node of the network corresponds in the sequence to a certain number of

occurrences of passage of the token via the node *("token management table*

according to bandwidth required in the ....",," sequentially sends out the tokens for

each certain time ...."; col. 5, lines 46 – 61), and wherein the master node, on

initialization of the network, constructs a first table, stores in said first table for

each node of the network information indicative of the fraction of bandwidth

reserved for each node *("initialization state"; Fig. 3, col. 12, lines 62 – 67, col. 13,*

lines 1 – 18; "...table according to bandwidths required in the communication

between stations….."; col. 5, lines 50 - 61, col. 32, lines 18 – 43), and on the

basis of the first table, constructs and transmits to each node a second table

storing the sequence defining the order of passage of the token between the

nodes of the network that reserved a fraction of bandwidth *("rewrites the contents*

of the Isochronous data communication token management table according to

bandwidths required in the communication between stations, and sequentially

sends out the tokens for each certain time so that only specified stations can

transmit/receive data..."; col. 5, lines 50 – 61, col. 6, lines 10 – 22, col. 27, lines

30 – 45; Fig. 3, col. 27, lines 33 – 45), and wherein each node transmits the token

to a next node in the sequence in parallel such that each node of the network

follows circulation of the token *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61*

– 67, col. 7, lines 1 – 2).

     Regarding claim 7, Sakai et al. disclose the method claimed in which the

occurrences of passage of the token via a node of the network are distributed in

the sequence among the occurrences of passage of the token via other nodes of

the network *(col. 14, lines 58 – 67, col. 15, lines 1 – 13)*.

Regarding claim 11, Sakai et al. disclose a communication device *(Fig. 1,*
Fig. 14, plurality of stations, col. 12, lines 1 – 10) designed to be connected to a
digital bus communication network *(Abstract, Fig. 1, col. 12, lines 1 – 10)*, the
device comprising: a connection as a master node to the network *("master station*
sends out a token for each certain time"; col. 5, lines 37 – 49, Fig. 8, Fig.9, Fig.
14); and a token, wherein the master node is configured to have a token circulate
the token between all nodes of the network during a cycle *(Fig. 31(a) – (f), col. 1,*
lines 25 – 67, col. 2, lines 1 – 10) and wherein the master node is organized to
construct a first table storing, for each node of the network, information indicative
of a fraction of the bus bandwidth reserved for each node of the network *(Fig. 3,*
col. 12, lines 62 – 67, col. 13, lines 1 – 18; "...table according to bandwidths
required in the communication between stations….."; col. 5, lines 50 - 61, col. 32,
lines 18 – 43), and to construct and to transmit to each node a second table
storing a sequence defining a chronological order of passage of the token
between nodes that reserved a fraction of bandwidth during a cycle *("rewrites the*
contents of the Isochronous data communication token management table
according to bandwidths required in the communication between stations, and
sequentially sends out the tokens for each certain time so that only specified
stations can transmit/receive data..."; col. 5, lines 50 – 61, col. 6, lines 10 – 22,
col. 27, lines 30 – 45; "it creates a new token packet management table…."; Fig.
3, col. 27, lines 33 – 45), the fraction of the bandwidth reserved for a any one
node of the network corresponding in the sequence to a certain number of
occurrences of passage of the token via the one node *(col. 14, lines 58 – 67, col.*

15, lines 1 – 13; col. 27, lines 30 – 45, col. 32, lines 18 – 43), and wherein each node transmits the token to next node in the sequence in parallel *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2).*

Regarding claim 12, Sakai et al. disclose a communication device *(Fig. 1, Fig. 14, plurality of stations, col. 12, lines 1 – 10)* designed to be connected to a digital bus communication network *(Abstract, Fig. 1, col. 12, lines 1 – 10)*, the device comprising: a connection as a node to the digital bus communication network *(Fig. 1, col. 12, lines 1 – 8)*; and a table received from a master node of the network storing a sequence defining a chronological order of passage of a token between the nodes that reserved a fraction of bandwidth during a cycle *(Fig. 3, col. 12, lines 62 – 67, col. 13, lines 1 – 18; "…table according to bandwidths required in the communication between stations…..."; col. 5, lines 50 - 61, col. 32, lines 18 – 43)*, the fraction of the bandwidth reserved for a node of the network corresponding in the sequence to a certain number of occurrences of passage of the token via the node *("token management table according to bandwidth required in the …."," sequentially sends out the tokens for each certain time …."; col. 5, lines 46 – 61, col. 27, lines 30 – 45)*, wherein the node transmits the token to the next node in the sequence so that each node of the network can follow the chronological order in the sequence *(col. 14, lines 58 – 67, col. 15, lines 1 – 13)*, and wherein each node transmits the token to a next node in the sequence in parallel such that each node of the network follows circulation of the token *(Fig. 19 - 23, col. 28, lines 15 – 66, col. 6, lines 61 – 67, col. 7, lines 1 – 2).*

Response to Arguments

4.   Applicant's arguments filed on 11/02/2009 with respect to claims 6, 7, 11, 12 have been fully considered but they are not persuasive.

Regarding claim 6, applicant argues reference Sakai does not disclose transmits to each node a second table storing the sequence defining the order of passage of the token between nodes that reserved a fraction of bandwidth as recited in the pending claims.

In response to applicant's argument/remark, examiner respectfully disagrees.

Examiner contends reference Sakai does disclose transmits to each node a second table storing the sequence defining the order of passage of the token between nodes that reserved a fraction of bandwidth.

Examiner interpreted the amended claimed subject matter "transmits to each node a second table storing the sequence defining the order of passage of the token between nodes that reserved a fraction of bandwidth" as "rewrites the contents of the Isochronous data communication token management table according to bandwidths required in the communication between stations, and sequentially sends out the tokens for each certain time so that only specified stations can transmit/receive data...", "it creates a new token packet management table...."; col. 5, lines 50 – 61, col. 6, lines 10 – 22, col. 27, lines 30 – 45; Fig. 3, col. 27, lines 33 – 45.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476
<1Qy10:11/28/09>
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476